

IN THE CLAIMS

Please amend the claims as follows:

- 1 1. (Currently Amended) A method for monitoring performance and availability of
2 application servers on a network, including a percentage of time that each of the application
3 servers is available to an end user relative to the time the application servers are intended to be
4 available and a responsiveness of the application servers to the end user in terms of a delay
5 between the end user's entering data into a workstation keyboard and a response from one of the
6 application servers with new data on the user's workstation screen, the method comprising:
7 (a) running at least one performance monitor process on the network, said at least one
8 performance monitor process watching network activity to and from the application servers to
9 entry servers for connection to the end user's workstation and creating a transaction response
10 time log and activity audit trail for the network;
11 (b) running a network monitor manager process on the network, for consolidating
12 consolidating information from the log into views;
13 (c) establishing a connection from the network monitor manager process to said at least
14 one performance monitor process to control said at least one performance monitor to send a
15 pseudo message for tracking time in the network to an entry server to determine said network
16 availability; and
17 (d) receiving the pseudo message from said at least one performance monitor process and
18 determining a response for the pseudo message for each segment of the network traversed by the
19 pseudo message to determine where availability problems regarding said availability exist within
20 the network connection for the entry server.
- 1 2. (Original) The method of claim 1, further comprising:

- 2 (e) running at least one availability monitor process on the network;
- 3 (f) from the response determined in step (d), detecting at least one possibly failed
- 4 component of the network;
- 5 (g) sending a message from the at least one availability monitor process to the at least
- 6 one possibly failed component; and
- 7 (h) determining, in accordance with a result of the message, whether the at least one
- 8 possibly failed component has failed.

1 3. (Original) The method of claim 1, further comprising:

- 2 (i) running a client-server monitoring process on a server dedicated to the client-server
- 3 monitoring process;
- 4 (j) receiving, in the client-server monitoring process, information about transactions
- 5 executed by production applications on the network; and
- 6 (k) determining performance and availability of the production applications in
- 7 accordance with the information received in step (j).

1 4. (Previously Presented) The method of claim 3, wherein step (j) comprises running a

2 filtering agent on each or on behalf of each of the production applications to convert the

3 information from application logs into a form usable by the client-server monitoring process.

1 5. (Original) The method of claim 4, wherein:

2 the network comprises a mainframe having at least one logical partition which generates

3 an application log; and

4 the method further comprises (l) monitoring the application log through a mainframe

5 monitoring process.

1 6. (Previously Presented) The method of claim 5, wherein:

2 the application log comprises transaction entries having end-user addresses; and
3 step (l) comprises categorizing the transaction entries by the end-user addresses.

1 7. (Original) The method of claim 6, further comprising (m) generating a performance
2 report for the network through an administrative process and making the report available over a
3 data network.

1 8. (Original) The method of claim 7, wherein the data network comprises the Internet.

1 9. (Previously Presented) The method of claim 8, further comprising:

2 (n) receiving, in the client-server monitoring process, information about transactions
3 executed by e-commerce applications on the network; and
4 (o) determining performance and availability of the e-commerce applications in accordance
5 with the information received in step (n) through an e-commerce monitoring process.

1 10. (Previously Presented) The method of claim 9, wherein at least one of the e-
2 commerce applications makes at least one Web page accessible to customers, and wherein step
3 (n) comprises placing code in the at least one Web page, the code sending time stamps to the
4 client-server monitoring process when the code is accessed.

1 11. (Original) The method of claim 10, further comprising providing a central data
2 repository, and wherein the network monitor manager process, the client-server monitoring
3 process, the mainframe monitoring process, the administrative process, and the e-commerce
4 monitoring process communicate with one another through the central data repository.

1 12. (Original) The method of claim 4, wherein each said filtering agent detects processes
2 running on the network and cross-references the detected processes to known processes, and
3 further comprising forming an event correlation engine in accordance with the detected
4 processes.

1 13. (Original) The method of claim 12, wherein each said filtering agent detects changes
2 to the processes running on the network, and further comprising maintaining the event
3 correlation engine in accordance with the detected changes to the processes.

1 14. (Previously Presented) The method of claim 13, further comprising, when it is
2 determined in step (k) that the performance or the availability of one of the production
3 applications is impaired, determining and reporting a cause of impairment and its corresponding
4 effect on a service level agreement (SLA) in accordance with the event correlation engine.

INTERVIEW SUMMARY BY APPLICANT

At the outset, the Applicants acknowledge with appreciation the courtesy extended by the Examiner during the telephone interview conducted November 17, 2005. During the telephone interview, the applicants and their representative explained their position for patentability over the applied references and in particular the differences between the present invention and *Badt, Jr.* in terms of different OSI layers. In response, the Examiner suggested amending the claims to clarify the application servers, the entry servers and the end users and indicated that he would do a further search upon entry of the amendment.